

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EASTOWN, INC., et al.,

Plaintiffs,

v.

Case No. 04-72977

DEEPER LIFE CHRISTIAN
CHURCH, INC., et al.,

Defendants.

ORDER REJECTING REQUEST FOR A WRIT OF GARNISHMENT

GP Collections, which is not a party to this action, submits a request for a writ of garnishment against Defendants' bank accounts.

Under Federal Rule of Civil Procedure 69, state law, in this case, Michigan Court Rule 3.101(D), governs a request for a writ of garnishment. *See Uhl v. Komatsu Forklift Co., Ltd.*, 466 F.Supp.2d 899, 911-12 (E.D. Mich. 2006); *Schram v. Carlucci*, 41 F.Supp. 36 (E.D. Mich. 1941). MCR 3.101(D) requires a plaintiff or her agent to submit with a request for a writ of garnishment a verified statement confirming a judgment against the defendant, an exact amount unpaid, and a reason to expect that the proposed garnishee is subject to garnishment.

At least three defects in GP Collections's request preclude the issuance of a writ of garnishment. First, the request includes no verified statement. Second, nothing in the request establishes that GP Collections proceeds as Plaintiffs' agent. Third, in the request, GP Collections improperly lists itself as Plaintiff's attorney. Accordingly,

IT IS ORDERED that the request for a writ of garnishment, attached to this order but not otherwise docketed, is REJECTED WITHOUT PREJUDICE.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: March 20, 2013

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, March 20, 2013, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522